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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,158	10/31/2003	Jeffrey D. Carnevali	NPI-019	9849
7590 Charles J. Rupnick PO Box 46752 Seattle, WA 98146			EXAMINER STERLING, AMY JO	
			ART UNIT 3632	PAPER NUMBER

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,158

Applicant(s)

CARNEVALI, JEFFREY D.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the **Final Office Action** for application number 10/698,158 Flexible Support Arm, filed on 10/31/03. Claims 1-21 are pending. This **Final Office Action** is in response to applicant's reply dated . The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 102

Claims 1-3, 6, 16 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6749160 to Richter.

Richter discloses a flexible support apparatus (10) having a support base (10) having an opening in one surface and a mounting bracket having an opening (13) in one surface and a permanently bendable continuously solid metal rod of substantially constant cross section, the rod being made of aluminum (12, See Col. 3 line 9 for rod material) having a first end installed in the opening of the support base and fused direction to the support base and having a second end installed in the opening of the mounting means and fused directly to the mounting bracket and wherein the opening in the support base and mounting bracket have a second opening into which a flexible sheath (11) if inserted. Richter teaches the method forming a support base, forming a mounting bracket and fusing a length of the rod to the tubular apertures of the base and the bracket.

Claim Rejections - 35 USC § 103

Claims 4, 5, 8-10, 13-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6749160 to Richter as applied to claims 1 above and further in view of United States Patent No. 4020575 to Kruger et al.

Richter teaches the basic inventive including teaching a flexible plastic sheath (11) disposed around the metal rod (12) between the support base and the mounting bracket and wherein the bracket and the base both have a respective counter-bore which is substantially concentric with the respective tubular aperture and sized to admit the flexible plastic sheath (11). Richter does not teach that the rod is welded/ultrasonically welded to the bracket and the base or that the base and bracket are formed of ultrasonically weldable plastic. Richter also does not teach the method of ultrasonically welding the plastic or metal to fetal fusible by conventional means.

Kruger et al. teaches a device with ultrasonically weldable plastic and the method of using ultrasonically weldable plastic used for securely bonding two elements together. (See Col. 1, line 37 and Col. 2, line 12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Kruger et al. to have fused any pieces together either by welding or by using an ultrasonic weldable plastic in order to secure elements together, welding and weldable plastic both being well known in the art at the time of the invention. It would also be obvious to have had metal to metal fused, the choice of any suitable material being obvious.

Richter and Kruger et al. teach the basic inventive concept, including the method of installing a flexible sheath (10) around a solid metal rod (16).

Richter and Kruger et al. do not teach that the support base and mounting bracket are made of aluminum or the method of forming a support base and mounting bracket of weldable aluminum material.

This is Official Notice that it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings to have made the device and its parts of any suitable material or method of forming them from any suitable material, in order to easily attach the components to each other.

Claims 7, 11, 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6749160 to Richter and in view of United States Patent No. 4020575 to Kruger et al. as applied to claim 10 above and further in view of United States Patent No. 6637642 to Lingnau.

Richter and Kruger et al. and show the basic inventive concept as shown above with the exception that they do not teach that the metal rod is made of upset metal finish or upset surface material or the method of upsetting the metal around the rod.

Lingnau discloses solid state welding including teaching that the upset finish of the metal can and will affect the welding profile. (See Col. 8, lines 6-24). Therefore it would have been obvious to make the metal tubing with an upset finish on the surface, in order to further change the welding characteristics of the metal rod.

Response to Arguments

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal amendments and

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communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

A handwritten signature in black ink, appearing to read "Amy J. Sterling". The signature is written in a cursive, flowing style.

Amy J. Sterling

4/8/06